

Amendment After Final Office Action  
Serial No. 10/632,480

Docket 5000-1-359

### REMARKS

Applicants respectfully request reconsideration based upon the amendments to the claims and the remarks herein.

Claims 1-14 are rejected. Claims 1, 5, 9 and 10 have been amended of which claim 1 is an independent claim. Claims 1-14 are now pending.

Claims 1-14 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicants wish to thank the Examiner for providing detailed suggested corrections to overcome the objections to the 112 problems. In response, applicants made the amendments suggested by the Examiner to provide clarity and consistency in the claims.

Applicants respectfully request withdrawal of this ground of rejection.

Claims 1-4 stand rejected under 103(a) as being unpatentable over Asahi (us 6,222,653).

Applicants wish to thanks the Examiner for indicating the allowability of the base claim and dependent claims 9-14 if amended to more clearly define the invention.

In response, applicants have amended the base claim as suggested by the Office Action to more clearly recite that the present invention which provides that when there is optical link failure only the protection channel is switched to the second link. Support for this amendment is provided in the specification, for example, page 9, line 5 and the drawings, FIG 2, as well as the originally presented claims.

Therefore, Asahi fails to teach or suggest the present invention provides that when there is optical link failure only the protection channel is switched to the

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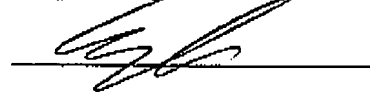
second link as recited in amended base claim.

Applicants respectfully request withdrawal of this ground of rejection.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Regardless, since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,



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